

**U.S. Department of Labor**

Assistant Secretary for  
Occupational Safety and Health  
Washington, D.C. 20210



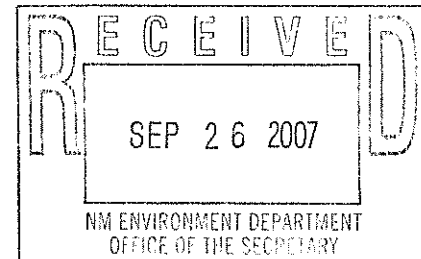
**RECEIVED**

SEP 25 2007

SEP 28 2007

Mr. Ron Curry  
Secretary  
New Mexico Environment Department  
Occupational Health and Safety Bureau  
1190 St. Francis Drive - N2200  
P. O. Box 26110  
Santa Fe, New Mexico 87502

OFFICE OF THE DIRECTOR



Dear Secretary Curry:

I am pleased to transmit the enclosed signed copy of your FY 2008 State Plan grant and Consultation cooperative agreement authorized by sections 23(g) and 21(d) respectively of the Occupational Safety and Health Act of 1970. The integrated application has been initially approved at the base award levels of \$828,000 for the State Plan grant and \$493,000 for the Consultation cooperative agreement pending final Congressional and executive action on the Occupational Safety and Health Administration's (OSHA) appropriations bill.

This award contains OSHA Restrictions and Conditions, which includes assurances to cover: (1) mandated program elements; (2) payment for services provided by the Salt Lake Technical Center analytical laboratory; (3) payment for Integrated Management Information Systems (IMIS) services; (4) payment for services related to participation in the OSHANet, as applicable; (5) payment for costs associated with OSHA Training Institute (OTI) training courses conducted for the grantee at the grantee's request; and (6) prohibited expenditure of OSHA funds for certain activities, etc.

We appreciate the efforts that ensured the timely submission of Performance Plans. As you know, the Performance Plan serves as the narrative for both your 23(g) State Plan grant and 21(d) Consultation cooperative agreement and will provide the framework for monitoring and evaluating your State during FY 2008. Approval of the grant and cooperative agreement includes approval of your Performance Plan, and if appropriate, your new or revised 5-year Strategic Plan, contingent upon any State-specific revisions or restrictions required by OSHA. We expect that all States will continue to work with their regions to address OSHA's review comments.

You are reminded of the need to match and maintain support at this funding level for all those program elements critical to continued State plan approval and to utilize all funding made available to you. We are pleased with the significant reduction in lapsed funds, but will continue to monitor the situation and work with those few State Plans that may have a continuing problem. The Financial Status Report (SF 269) and the Payment Management System Federal Cash Transactions Report (PSC 272, PSC 272 A through E) are due 30 days after the end of each Federal fiscal quarter. All funds must be obligated by September 30<sup>th</sup>. All grants/agreements must be closed 90 days after the end of the performance period and the final financial reports must be submitted by December 31<sup>st</sup>.

States with final State Plan approval should also ensure that adequate staffing is allocated to meet approved compliance staffing benchmark levels. Program modifications must be formally submitted in accordance with Federal regulations for changes to the state plan and may not be accomplished through changes to the grant.

The Memoranda of Agreements for those States planning to use the Salt Lake Technical Center as their primary/exclusive source for sample analysis are being processed separately. Those States are: Alaska, Hawaii, Maryland, New Mexico, Puerto Rico, Vermont, and Virgin Islands.

As you are aware, Congress has not completed action on our appropriations bill for FY 2008. Once a final appropriation is enacted, instructions for the submission of grant and/or cooperative agreement modifications, if necessary, will be forwarded to recipients.

We anticipate that initial FY 2008 Federal funding may be provided under a short-term Continuing Resolution (CR). Cash drawdowns through the Department of Health and Human Services - Payment Management System (DHHS-PMS) are controlled based on the amounts apportioned by the Office of Management and Budget (OMB) under the CR. We will update the Payment Management System within 48 hours of notification by OMB of authorized funding levels. Recipients can query the Payment Management System at any time to review the availability of FY 2008 funds. If you need help with the query procedure, please contact the PMS representative listed on your latest Federal Cash Transactions Report (PSC 272).

Again, we appreciate the cooperation of you and your staff in the preparation and timely submission of this integrated application including your combined State Plan/Consultation Cooperative Agreement Performance Plan. We look forward to working closely with you in the upcoming year.

Sincerely,

A handwritten signature in black ink, appearing to read "Edwin G. Foulke, Jr.", written in a cursive style.

Edwin G. Foulke, Jr.

Enclosures

cc: Regional Administrator

U.S. DEPARTMENT OF LABOR  
Occupational Safety and Health Administration

**GRANT  
AGREEMENT**

**OSHA 23(g) OPERATIONAL  
PROGRAM**

Page 1 of 1

(1)

Region: VI

State: New Mexico

Grantee: NM Env. Dept.

Grant Number: 60F8-0063

Starting Date: October 1, 2007

Ending Date: September 30, 2008

(2) Recipient

Name: New Mexico Environment Department

Address: P.O. Box 26110  
Santa Fe, NM 87502

Butch Tongate, Bureau Chief  
Recipient Liaison Representative

505-476-8787

Area Code and Telephone Number

(3)

U.S. Department of Labor

Dean W. McDaniel, Regional Administrator  
OSHA Liaison Representative

972-850-4157

Area Code and Telephone Number

(4) Authority for Grant: P.L. 91-596, under Section 23(g)

Pct. Total Funds

1. Federal Base Award Amount: \$828,000 50%

2. State Base Award Amount:  
(please do not include 100% funding) \$828,000 50%

3. Total Recipient Share: \$1,003,000

4. Recipient 100% Funding:  
(please also include in line 3) \$175,000

5. Total State and Federal Funds  
Allocated to This Agreement: \$1,831,000  
(line 1 plus line 3)

**Terms and Conditions of the Grant:**

This GRANT AGREEMENT consists of the entire grant application,  
including all attachments, exhibits, enclosures, etc.

(5) Recipient Approval

Signature

Date

Ron Curry, Secretary NMED

Type Name and Title

(6) Federal Approval

SEP 25 2007

Kimberly A. Locey  
Kimberly A. Locey, Director  
Administrative Programs

Date

U.S. DEPARTMENT OF LABOR  
Occupational Safety and Health Administration

**COOPERATIVE  
AGREEMENT**

**OSHA 21(d) CONSULTATION  
PROGRAM**

Page 1 of 1

(1)

Region: VI

State: New Mexico

Grantee: NM Environment Dept.

Grant Number: E9F8-0963

Starting Date: October 1, 2007

Ending Date: September 30, 2008

(2)

Recipient

Name: NM Environment Dept.

Address: 1190 St. Francis Drive  
Santa Fe, NM 87502

Butch Tongate, Bureau Chief

Recipient Liaison Representative

505-476-8787

Area Code and Telephone Number

(3)

U.S. Department of Labor

Dean W. McDaniel, Regional Administrator

OSHA Liaison Representative

Area Code and Telephone Number: 972-850-4157

(4) Authority for Grant: P.L. 105-197, under Section 21(d)

1. Federal Base Award Amount:

\$493,000

Pct. Total Funds  
(Nearest 0.1 %)

90.0%

2. 100% Federal Funds for  
Travel and Training:  
(please also include in line 1)

3. Total Recipient Share:

\$54,778

10.0%

4. Recipient 100% Funding:  
(please also include in line 3)

\$0

5. Total State and Federal Funds  
Allocated to This Agreement:  
(line 1 plus line 3)

\$547,778

100.0%

**Terms and Conditions of the Grant:**

This GRANT AGREEMENT consists of the entire grant application,  
including all attachments, exhibits, enclosures, etc.

(5) Recipient Approval

Signature

Ron Curry, Secretary NMED

Name and Title

Date

8/16/07

(6) Federal Approval

Kimberly A. Locey

Kimberly A. Locey  
Director  
Administrative Programs

SEP 25 2007

Date